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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,126	10/25/2001	Kai Tuschner	04899-065001	1888
959	7590	03/23/2005	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			HONEYCUTT, KRISTINA B	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,126

Applicant(s)

TUSCHNER ET AL.

Examiner

Kristina B. Honeycutt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed on January 25, 2005.

This action is made Final.

2. In the amendment, claims 1-30 are pending in this case. Claims 1, 10, 19, 23 and 27 are independent claims.

Drawings

3. The objection to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- "12" on p.7, line 3;
- "16" on p.7, line 9;
- "18" on p.7, line 9;
- "20" on p.7, line 10;
- "22" on p.7, line 11;
- "24" on p.7, line 13;
- "26" on p.7, line 15;
- "28" on p.7, line 15;
- "30" on p.7, line 16;
- "32" on p.7, line 17;

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- "34" on p.7, line 17

has been withdrawn as necessitated by the amendment.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- "10" on p.7, line 2

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The objection to the specification for the informalities on p.10, line 23 and p.11, line 4 where an exemplary model diagram **190** should be numbered as **193** to coincide with figure 5 has been withdrawn as necessitated by the amendment.

Claim Objections

6. Claim 11 is objected to because of the following informalities: Claim 11 is ended with a “,” instead of a “.”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The rejection of claim 2 rejected under 35 U.S.C. 112, second paragraph, as lacking antecedent basis, has been withdrawn as necessitated by the amendment.

8. The rejection of claims 8 and 17 rejected under 35 U.S.C. 112, second paragraph, as lacking antecedent basis, has been withdrawn as necessitated by the amendment.

9. The rejection of claims 9 and 18 rejected under 35 U.S.C. 112, second paragraph, as lacking antecedent basis, has been withdrawn as necessitated by the amendment.

10. The rejection of claims 11-18 rejected under 35 U.S.C. 112, second paragraph, as lacking antecedent basis, has been withdrawn as necessitated by the amendment.

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11. The rejection of claim 25 rejected under 35 U.S.C. 112, second paragraph, as lacking antecedent basis, has been withdrawn as necessitated by the amendment.

12. Claim 11 recites the limitation "the selection" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1, 4, 5, 10, 13, 14, 19 and 23-26 remain rejected under 35 U.S.C. 102(e) as being anticipated by Ciolfi (U.S. Pub. No. 20030107595).

Regarding independent claim 1, Ciolfi discloses a method comprising:

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- generating source code corresponding to a block diagram model (p.2, para. 31; p.4, para. 49-50 – as demonstrated in the cited text, source code corresponding to a block diagram model is generated); and
- generating hypertext links associating elements of the generated source code with elements of the block diagram model (p.4, para. 50; p.8, para. 76 – as demonstrated in the cited text, Ciolfi teaches generating links that associate the source code with the diagram and hypertext links are a means of linking).

Regarding dependent claim 4, Ciolfi discloses the method of claim 1, wherein:

- at least one of the associated elements in the generated source code is a commented reference to a block in the block diagram model (Appendix – as demonstrated in the cited text, the generated source code contains commented references).

Regarding dependent claim 5, Ciolfi discloses the method of claim 1, wherein:

- at least one of the associated elements in the generated source code is a variable reference in an operative code section (p.3, para. 39; p.8, para. 76 – as demonstrated in the cited text, the generated source code contains variable references).

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Regarding independent claims 10, 19 and 23, the claims reflect the system, computer program and processor and memory for performing the method of claim 1 and are rejected along the same rationale.

Regarding dependent claims 13 and 14, the claims reflect the system for performing the methods of claims 4 and 5 respectively and are rejected along the same rationale.

Regarding dependent claims 24-26, Ciolfi discloses the processor and memory of claim 23, wherein:

- the processor and memory are incorporated into a personal computer, a network server residing in the Internet or a single board computer (p.2, para. 31-32; Figure 1 – as demonstrated in the figure and cited text, the processor and memory can be incorporated in a PC, a network server or a single board computer).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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14. Claims 2, 7, 11 and 16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ciolfi in view of Hennum (U.S. Pub. No. 20020054138).

Regarding dependent claims 2 and 11, Ciolfi does not disclose displaying the source code and hypertext links on a display, receiving input from a user representing a selection of one of the hypertext links, or displaying to the user at least a portion of the block diagram model including an element of the model associated with the hypertext link. Hennum teaches displaying source code and hypertext links and displaying associated information when a user selects a link (p.5, para. 63) and it was well-known that linked associated information could include diagrams or selected portions of diagrams. It would have been obvious to one of ordinary skill in the art, having the teachings of Ciolfi and Hennum before him at the time the invention was made, to modify generating source code and links taught by Ciolfi to include displaying code and links and displaying associated information when a link is selected as taught by Hennum, because the user would be able to verify that the block diagram is correct if source code could be viewed together with associated portions of the diagram. It would have been advantageous to one of ordinary skill to utilize such combination because testing, debugging and future development would have been easier and quicker if links to associated blocks were present in the code so that the user could simply select the link and view that block of the diagram.

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Regarding dependent claims 7 and 16, Ciolfi does not disclose the hypertext link is HTML. Hennum teaches hypertext links as HTML (p.10, para. 114). It would have been obvious to one of ordinary skill in the art, having the teachings of Ciolfi and Hennum before him at the time the invention was made, to modify links taught by Ciolfi to HTML links as taught by Hennum, because HTML was well-known at the time of the invention for creating hypertext links and using a well-known language would have allowed more users to utilize the invention since there was a familiarity with HTML.

15. Claims 3 and 12 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ciolfi in view of Hennum in further view of Gagnon (U.S. Patent 6049835).

Regarding dependent claims 3 and 12, Ciolfi does not disclose displaying the associated element in a highlighted fashion. Gagnon teaches displaying linked elements in a highlighted fashion (col. 2, lines 32-39). It would have been obvious to one of ordinary skill in the art, having the teachings of Ciolfi and Gagnon before him at the time the invention was made, to modify generating source code and links taught by Ciolfi to include displaying highlighted associated information as taught by Gagnon, because the user would be able to easily identify the associated block in the diagram. It would have been advantageous to one of ordinary skill to utilize such combination because the

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user would be able to compare the block to the code linked to it as well as view the remainder of the diagram for further examination.

16. Claims 6, 8 and 15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ciolfi in view of Prahalad (U.S. Pub. No. 20020072049).

Regarding dependent claims 6 and 15, Ciolfi does not disclose the hypertext link is SGML. Prahalad teaches SGML and links (p.2, para. 32). It would have been obvious to one of ordinary skill in the art, having the teachings of Ciolfi and Prahalad before him at the time the invention was made, to modify links taught by Ciolfi to include SGML links as taught by Prahalad, because SGML was well-known at the time of the invention for creating hypertext links and using a well-known language would have allowed more users to utilize the invention since there was a familiarity with SGML.

Regarding dependent claim 8, Ciolfi does not disclose the hypertext language is XML. Prahalad teaches XML (p.2, para. 32). It would have been obvious to one of ordinary skill in the art, having the teachings of Ciolfi and Prahalad before him at the time the invention was made, to modify the method taught by Ciolfi to include XML as taught by Prahalad, because XML was well-known at the time of the invention and using a well-known language would have allowed more users to utilize the invention since there was a familiarity with XML.

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17. Claims 9 and 18 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ciolfi in view of Lindner (U.S. Pub. No. 20030120549).

Regarding dependent claims 9 and 18, Ciolfi does not disclose the commented reference to a block comprises a character string identifying a path to a file providing information relating to a section of the block. Lindner teaches comments containing paths to files (p.3, para. 51). It would have been obvious to one of ordinary skill in the art, having the teachings of Ciolfi and Lindner before him at the time the invention was made, to modify the comments taught by Ciolfi to include comments containing paths to files as taught by Lindner, because including file paths in the comments would allow the user to verify that the correct file was associated with the block. It would have been advantageous to one of ordinary skill to utilize such combination because the user could quickly determine which file to examine if the need arose while viewing the source code and associated block.

18. Claim 17 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Ciolfi in view of Hennum in further view of Prahalad.

Regarding dependent claim 17, Ciolfi does not disclose the hypertext language is XML. Prahalad teaches XML (p.2, para. 32). It would have been obvious to one of ordinary skill in the art, having the teachings of Ciolfi and Prahalad before him at the time the invention was made, to modify the method taught by Ciolfi to

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include XML as taught by Prahalad, because XML was well-known at the time of the invention and using a well-known language would have allowed more users to utilize the invention since there was a familiarity with XML.

19. Claims 20-22 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ciolfi in view of Lomax (U.S. Patent 6493740).

Regarding dependent claims 20-22, Ciolfi does not disclose the computer readable medium is RAM, ROM or hard disk drive. Lomax teaches computer readable medium is RAM, ROM or hard disk drive (col. 7, lines 12-21). It would have been obvious to one of ordinary skill in the art, having the teachings of Ciolfi and Lomax before him at the time the invention was made, to modify storage taught by Ciolfi (p.2, para. 33) to include RAM, ROM and hard disk drive as taught by Lomax, because RAM, ROM and hard disk drive were well-known at the time of the invention and using well-known storage would have allowed more users to utilize the invention since there was a familiarity with RAM, ROM and hard disk drive.

20. Claims 27, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciolfi in view of Story et al. (U.S. Pub. No. 20020129058; publication date September 12, 2002; filed July 28, 1997).

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Regarding independent claim 27, Ciolfi discloses providing source code identifying an element of a graphical model (p.2, para. 31; p.4, para. 49-50).

Ciolfi discloses a link referencing the element of the graphical model (p.4, para. 50; p.8, para. 76) but does not disclose providing the hyperlink in a document or generating a document comprising information about the source code. Story teaches providing the hyperlink in a document (p.1, para. 2) and generating a document comprising information about the source code (p.3, para. 38; p.5, para. 57). It would have been obvious to one of ordinary skill in the art, having the teachings of Ciolfi and Story before him at the time the invention was made, to modify source code taught by Ciolfi to include a hyperlink in a document and generating a document comprising information about source code as taught by Story, because providing the information in a document with links would allow the document to be published, as taught by Story (p.3, para. 39), which would allow more users to access the information through a network such as the World Wide Web.

Regarding dependent claim 28, Ciolfi discloses a link referencing the element of the graphical model (p.4, para. 50; p.8, para. 76) but does not disclose selecting the hyperlink to one of display and identify. Story teaches selecting the hyperlink to display the reference (p.1, para. 6). It would have been obvious to one of ordinary skill in the art, having the teachings of Ciolfi and Story before him at the time the invention was made, to modify hyperlinks taught by Ciolfi to include selecting a hyperlink to display the reference as taught by Story, because

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the user can select a link that he/she wishes to view and the referenced information would be displayed, as taught by Story (p.1, para. 6), which would allow the user to only view what he/she wishes to view, saving resources and time.

Regarding dependent claim 30, Ciolfi does not disclose a portion of the document comprises a markup language. Story teaches a markup language (p.1, para. 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Ciolfi and Story before him at the time the invention was made, to modify source code taught by Ciolfi (p.4, para. 49, 50) to include a markup language as taught by Story, because Ciolfi teaches source code (p.4, para. 49, 50) and Story teaches a document including source code written in a markup language (p.1, para. 3; p.3, para. 38; p.5, para. 57), which would allow the document to be published so that other users can access it.

21. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ciolfi in view of Story et al. in further view of Kaasila et al. (U.S. Pub. No. 20030137522; publication date July 24, 2003; filed March 14, 2003; provisional filing date May 2, 2001).

Regarding dependent claim 29, Ciolfi does not disclose providing the hyperlink at a location in the document having information about a portion of source code identifying the element of the graphical model. Kaasila teaches providing a

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hyperlink at a specific location within a document (p.12, para. 237). It would have been obvious to one of ordinary skill in the art, having the teachings of Ciolfi, Story and Kaasila before him at the time the invention was made, to modify source code identifying an element of the graphical model as taught by Ciolfi (p.2, para. 31; p.4, para. 49, 50) and a document having information about the source code as taught by Story (p.3, para. 38; p.5, para. 57) to include providing a hyperlink at a specific location within the document as taught by Kaasila, because Kaasila teaches inserting links at specific locations in a document (p.12, para. 237) which would allow users to choose where in the document the links should be placed.

Response to Arguments

22. Applicant's arguments filed January 25, 2005 have been fully considered but they are not persuasive. Regarding claims 1, 10, 19 and 23, Applicants indicate that Ciolfi does not disclose generating hypertext links associating elements of the generated source code with elements of the block diagram model (p.12, lines 6-7). The Examiner disagrees because Ciolfi teaches linking elements of the generated source code with the model. In other words, Ciolfi teaches linking code to the model (p.4, para. 50) and hypertext links are a well-known form of linking.

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Claims 2-9 depend from independent claim 1. Therefore claims 2-9 are rejected at least based on the rationale of the rejection above.

Claims 11-18 depend from independent claim 10. Therefore claims 11-18 are rejected at least based on the rationale of the rejection above.

Claims 20-22 depend from independent claim 19, not independent claim 23 as recited on page 14, lines 3-4. Therefore claims 20-22 are rejected at least based on the rationale of the rejection above.

Claims 24 -26 depend from independent claim 23. Therefore claims 24-26 are rejected at least based on the rationale of the rejection above.

Regarding claim 27, Applicants indicate that none of the previously cited references, including Ciolfi, disclose, teach or suggest providing, in the document, a hyperlink referencing the element of the graphical model, (p.14, lines 12-13). The Examiner disagrees because Ciolfi and Story teach providing in the document hyperlinks referencing the element of the graphical model.

Claims 28 -30 depend from independent claim 27. Therefore claims 28-30 are rejected at least based on the rationale of the rejection above.

Conclusion

23. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Partitioning for model-based design (U.S. Pub. No. 20020016206),
- Specifying and targeting portions of a graphical program for real-time response (U.S. Pub. No. 20030195732),
- Generating code for data references (U.S. Pub. No. 20020188928),
- Graphical system for modeling a process and associated method (U.S. Patent 4901221),
- Optimized look-up table calculations in block diagram software (U.S. Pub. No. 20030018953),

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- System and method for manipulation of software (U.S. Pub. No. 20040031015).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina B. Honeycutt whose telephone number is 571-272-4123. The examiner can normally be reached on 8:00 am - 5:00 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBH


CESAR PAULA
PRIMARY EXAMINER